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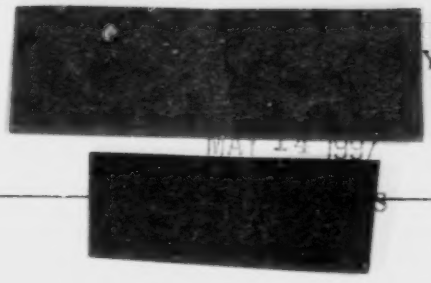
CONFERENCE ON DISARMAMENT



CD/1444

Y 4 February 1997

Original: ENGLISH

LETTER DATED 29 JANUARY 1997 ADDRESSED TO THE SECRETARY-GENERAL OF THE CONFERENCE FROM THE PERMANENT REPRESENTATIVE OF AUSTRIA TRANSMITTING THE "FEDERAL LAW ON THE BAN OF ANTI-PERSONNEL MINES" ADOPTED BY THE AUSTRIAN PARLIAMENT

I have the honour to transmit to you in the annex a working translation into English of the "Federal Law on the Ban of Anti-Personnel Mines" recently adopted by the Austrian Parliament.

Austria was a co-sponsor of United Nations General Assembly Resolution 51/45/S "An international agreement to ban anti-personnel landmines" adopted on 10 December 1996 and has observed an export-moratorium for anti-personnel mines since October 1994. In the course of the year 1995 Austria has destroyed completely its remaining stocks of anti-personnel mines. With the above mentioned Federal Law, Austria has now taken a further effective step on the national level in order to fulfil its solemn commitment to ban totally the use, stockpiling, production and transfer anti-personnel landmines.

On the multilateral level, Austria is a staunch supporter of the efforts to complete as soon as possible an effective, legally binding international agreement on a total ban of anti-personnel landmines. In this context, I would like to draw your attention to the fact that Austria has already distributed through its embassies a first tentative draft of such a convention and has invited comments thereon. As I have stated in my recent intervention in the Plenary of the Conference on Disarmament, Austria now - as a further step - invites all interested States to an expert meeting on the text of a convention on the total ban of anti-personnel mines. This meeting is going to take place in Vienna from 12th to 14th February 1997 and will proceed on the basis of the above mentioned first Austrian draft convention.

I would be grateful if the necessary arrangements could be made for this letter and its annex to be distributed as an official CD document to all delegations participating in the work on the Conference.

(Signed): **Harald Kreid**
Ambassador
Permanent Representative

GE.97-60160

FEDERAL LAW ON THE BAN OF ANTI-PERSONNEL MINES
(Working translation)

DEFINITIONS

ARTICLE 1

In the context of this Federal Law:

1. „Anti-personnel mine" means a means of combat designed to be placed under, on or near the ground or other surface area and designed to detonate or explode by the presence, proximity or contact of persons,

2. „Anti-detection mechanism" means a device designed to bring an anti-personnel mine to explosion or detonation by the use of a mine-detecting device.

PROHIBITIONS

ARTICLE 2

The production, acquisition, sale, procurement, import, export, transit, use and possession of anti-personnel mines as well as of anti-detection mechanisms shall be prohibited.

RESTRICTIONS

ARTICLE 3

1. Mines earmarked exclusively for training purposes within the Federal Army or the Mine Clearance Service or the Explosives Disposal Service are not subject to the prohibition set out in Article 2.

2. The import, possession and the stockpiling of anti-personnel mines for the purpose of immediate delaboration or other ways of destruction are not subject to the prohibition set out in Article 2.

DESTRUCTION OF EXISTING STOCKPILES

ARTICLE 4

Existing stockpiles of anti-personnel mines or anti-detection mechnisms prohibited under Article 2 shall be reported to the Federal Ministry of the Interior within one month and shall be destroyed by the said ministry not later than one year after the entry into force of this Federal Law upon reimbursement of costs.

PENALTY

ARTICLE 5

Whoever, and even if only by negligence, contravenes the prohibition of Article 2 of this Federal Law, shall be sentenced to imprisonment for up to two years or a fine of up to 360 daily rates, if the offence is not subject to a more severe penalty under an other Federal Law.

CONFISCATION AND FORFEITURE

ARTICLE 6

1. Anti-personnel mines or anti-detection mechanisms as well as components therof which are object of an act punishable under Article 5 shall be confiscated by court order.

2. Machines and facilities used in the production of items under the prohibition set out in Article 2 can be declared forfeited by the court. They shall be secured at the owner's expense so that those items cannot be further used in contravention of the prohibition set out in Article 2.

3. Means used to transport items under the prohibition of Article 2 may be declared forfeited by the court.

4. Items under forfeiture according to paragraphs 2 and 3 shall become property of the Federation. Items confiscated under paragrph 1 shall become property of the Federation and must be reported to the Federal Ministry of the Interior for destruction in accordance with Article 4.

EXECUTION

ARTICLE 7

Entrusted with the execution of this Federal Law are:

1. With respect to Article 3, paragraph 1 the Federal Minister of the Interior and the Federal Minister of Defence,

2. with respect to articles 5 and 6 the Federal Minister of Justice and

3. with respect to the other provisions the Federal Minister of the Interior.

ENTRY INTO FORCE

ARTICLE 8

This Federal Law enters into force on 1 January 1997.